

of the dry cleaning NESHAP. CARB's request for approval was submitted pursuant to the provisions of 40 CFR § 63.93 and was found to be complete on August 9, 1995.

#### *B. Major Dry Cleaning Sources*

Under the dry cleaning NESHAP, dry cleaning facilities are divided between major sources and area sources. CARB's request for approval includes only those provisions of the dry cleaning NESHAP that apply to area sources. Thus, dry cleaning facilities that are major sources, as defined by the dry cleaning NESHAP, remain subject to the dry cleaning NESHAP and the Title V operating permit program.

#### *C. Equivalent Emission Control Technology*

Under the dry cleaning NESHAP, any person may petition the EPA Administrator for a determination that the use of certain equipment or procedures is equivalent to the standards contained in the dry cleaning NESHAP (see 40 CFR 63.325). As a supplement to its request for approval of the dry cleaning ATCM, CARB has also requested approval of the authority to determine equivalent emission control technology. Given the form of CARB's application, EPA is treating this supplement as a separate and independent request for approval.

#### **II. California's Authorities and Resources To Implement and Enforce CAA Section 112 Standards**

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and 40 CFR Part 63, Subpart E. To streamline the approval process for future applications, a State may submit for approval a demonstration that it has adequate authorities and resources to implement and enforce any CAA section 112 standards. Approval of this demonstration will obviate the need for the State to resubmit in each subsequent request for approval its prior demonstration that it has adequate authorities and resources to implement and enforce the section 112 standard.

As part of its dry cleaning ATCM application, CARB is also requesting approval of California's authorities and resources to implement and enforce all CAA section 112 programs and rules, with the exception of the accidental release prevention program to be promulgated pursuant to CAA section 112(r). Although approval of California's authorities and resources will not result in delegation of the section 112 standards, it will obviate the need for California to resubmit a demonstration

of these same authorities and resources for every subsequent request for delegation of section 112 standards, regardless of whether the State requests approval of rules that are identical to or differ from the Federal standards as promulgated.

Since the above demonstration is also required under 40 CFR Part 70, EPA will evaluate this demonstration as it applies to Part 70 sources when it evaluates the Part 70 program applications submitted by the California air pollution control or air quality management districts.

#### **III. Public Comment**

EPA is seeking comment on all aspects of California's requests for approval, i.e., the dry cleaning ATCM as a substitute for the dry cleaning NESHAP, the request for approval of the authority to determine equivalent emission control technology, and the adequacy of California's authorities and resources. EPA will consider all public comments submitted during the public comment period. Issues raised by the comments will be carefully reviewed and considered in the decision to approve or disapprove CARB's requests. EPA expects to make a final decision on whether or not to approve California's requests on or around February 5, 1996, and will provide notice of its decision in the Federal Register. The notice will include a summary of the reasons for the final decision and a summary of all major comments.

#### **List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Title III of the Clean Air Act as amended, 42 U.S.C. 2399.

Dated: September 25, 1995.

Felicia Marcus,

*Regional Administrator.*

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#### **40 CFR Part 81**

**[AD-FRL-5316-3]**

#### **Clean Air Act Reclassification; Pennsylvania—Liberty Borough Nonattainment Area; PM-10; Extension of Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; extension of the comment period.

**SUMMARY:** EPA is extending the comment period for a document published on September 19, 1995 (60 FR 48439). In the September 19 document, EPA proposed to find that the Liberty Borough, Pennsylvania nonattainment area for particulate matter of nominal aerodynamic diameter smaller than 10 micrometers (PM-10) did not attain national ambient air quality standards for that pollutant by the statutory attainment date. At the request of the Allegheny Health Department, EPA is extending the comment period through November 20, 1995. EPA is declining the County's requests to extend the comment period through December 18, 1995 or to extend the period indefinitely.

**DATES:** Comments must be received on or before November 20, 1995.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Casey, U.S. EPA Region III, (215) 597-2746.

Dated: October 12, 1995.

Al Morris,

*Acting Regional Administrator, Region III.*

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#### **DEPARTMENT OF TRANSPORTATION**

#### **Research and Special Programs Administration**

#### **49 CFR Part 107**

**[Docket No. HM-207E, Notice No. 95-14]**

#### **RIN 2137-AC70**

#### **Hazardous Materials Pilot Ticketing Program; Extension of Comment Period**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Proposed rule; Extension of comment period.

**SUMMARY:** On August 21, 1995, RSPA published a notice of proposed rulemaking (NPRM) in the Federal Register which invited public comment on a proposal to implement a pilot program for ticketing of certain hazardous materials transportation violations [Docket HM-207E, Notice 95-10, 60 FR 43430]. Under the program, RSPA would issue tickets for violations that do not have substantial impacts on safety. RSPA has received a request

from the Hazardous Materials Advisory Council (HMAC) seeking an extension of the comment period in order to have more time to evaluate the proposals contained in the NPRM. RSPA concurs with this request and is extending the comment period by 30 days.

**DATES:** Comments must be received by November 20, 1995.

**ADDRESSES:** Address comments to Dockets Unit (DHM-30), Hazardous Materials Safety, RSPA, U.S. Department of Transportation, Washington, DC 20590-0001. Comments should identify the docket and notice number and five copies should be submitted, when possible. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590-0001. Office hours are 8:30 am to 5:00 pm, Monday through Friday, except on public holidays when the office is closed.

**FOR FURTHER INFORMATION CONTACT:** John J. O'Connell, Jr., Director, Office of Hazardous Materials Enforcement, (202) 366-4700; or Edward H. Bonekemper, III, Office of the Chief Counsel, (202) 366-4400, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW, Washington DC 20590-0001.

**SUPPLEMENTARY INFORMATION:** On August 21, 1995, RSPA published a notice of proposed rulemaking (NPRM) in the Federal Register which invited public comment on a proposal to implement a pilot program for ticketing of certain hazardous materials transportation violations [Docket HM-207E, Notice 95-10, 60 FR 43430]. Under the program, RSPA would issue tickets for violations that do not have substantial impacts on safety. These violations may include, among others, operating under an expired exemption, failing to register, failing to maintain training records, and failing to file incident reports. Procedures under this pilot program would be less complicated than current procedures for civil penalty actions, and penalties would be substantially reduced for persons who elect to pay the amounts assessed in the tickets.

HMAC, in its request for extension of the comment period, cited the broad effect of this proposal upon industry and how it would directly impact the enforcement process if implemented. HMAC believed a 30-day extension of the comment period would provide industry a reasonable amount of time to more fully consider the implications of

the proposal. RSPA agrees additional time should be allowed and is granting an extension of 30 days for submitting comments.

Issued in Washington, DC on October 11, 1995, under authority delegated in 49 CFR part 106, appendix A.

Robert A. McGuire,  
*Acting Associate Administrator for  
Hazardous Materials Safety.*

[FR Doc. 95-25680 Filed 10-16-95; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 638

[Docket No. 950929242-5242-01; I.D. 091295A]

**RIN 0648-AH74**

### Coral and Coral Reefs Off the Southern Atlantic States; Amendment 3

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement Amendment 3 to the Fishery Management Plan for Coral and Coral Reefs off the Southern Atlantic States (FMP). Amendment 3 would: Establish an aquacultured live rock permit system applicable to the exclusive economic zone (EEZ) off the southern Atlantic states; prohibit chipping of aquacultured live rock; prohibit octocoral harvest north of Cape Canaveral, FL; and prohibit anchoring of fishing vessels in the Oculina Bank habitat area of particular concern (HAPC). In addition, NMFS proposes changes to correct and clarify certain regulations, or conform them to current standards. The intended effect is to establish a management program for live rock aquaculture and to protect fishery habitat.

**DATES:** Written comments must be received on or before November 27, 1995.

**ADDRESSES:** Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 3, which includes a regulatory impact review, a social impact assessment, and an environmental assessment, should be sent to the South Atlantic Fishery

Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699, telephone: 803-571-4366, FAX: 803-769-4520.

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 638 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Upon implementation of Amendment 3, if approved, the title of the FMP would be changed to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region. This title change reflects the Council's intent to manage and protect essential live/hard bottom habitats as well as coral resources.

#### Aquacultured Live Rock Permits

Amendment 3 proposes to adopt in the EEZ off the southern Atlantic states (South Atlantic EEZ) the aquacultured live rock permit system implemented for the Gulf of Mexico (Gulf) EEZ under Amendment 2 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and South Atlantic, with two special conditions: (1) Aquaculture substrates must be geologically distinguishable from the naturally occurring substrate, and (2) no chipping of aquacultured live rock is permitted.

Under Amendment 2, the Gulf of Mexico Fishery Management Council and the South Atlantic Council agreed to allow and facilitate live rock aquaculture to replace the wild harvest that is being phased out. Amendment 2 established an aquacultured live rock permit for the harvest and possession of live rock from aquaculture operations in the Gulf EEZ, under specific criteria designed to protect natural hard bottom areas, as specified in § 638.27. The aquaculture permit also authorizes an exception to the prohibition on taking and possession of prohibited corals; a permitted individual harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral with regards to the prohibited coral attached to the aquacultured live rock. Otherwise, an aquaculturalist would be prevented from harvesting the aquaculture product if small polyps of such species were detected on the aquaculture substrates.

Under the criteria for issuance of aquacultured live rock permits, established under Amendment 2 for the Gulf EEZ, materials deposited on the aquaculture site must be geologically or